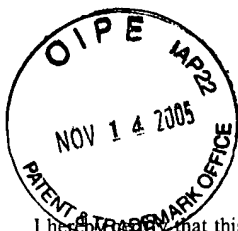


17W



CERTIFICATE OF MAILING

I hereby certify that this *Information Disclosure Statement* is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this, the 9th day of November, 2005.

Customer Number

24024

Joyce Ford
JOYCE FORD

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Rettinger, et al.)	Examiner: Leslie A. Wong
)	
Serial No.:	10/815,305)	Art Unit: 1761
)	
Filed:	April 1, 2004)	Confirmation No.: 7271
)	
For:	PROCESS FOR ADDING)	
	MICROBIOLOGICALLY SAFE)	Attorney Docket No.: 26416.05042
	CHOCOLATE PARTICULATES TO)	
	YOGURT)	

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I. Preliminary Statement

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. §1.97(g)), an admission that the information cited is, or is considered to be, material to patentability (37 C.F.R. §1.97(h)), or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

II. Identification of Time of Filing the Accompanying Information Disclosure Statement

- ☐ The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 C.F.R. §1.97(b). As such it is believed that there is no fee due.
- ☒ The information disclosure statement submitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in §1.491 in an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but *before* the mailing date of either a final action under §1.113 or a notice of allowance under §1.311, whichever occurs first.
- ☐ The information disclosure statement transmitted herewith is being filed *after* a final action under §1.113, or a notice of allowance under §1.311, whichever occurs first, but before or simultaneously with, the payment of the issue fee.
- ☐ Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
- ☐ No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and, furthermore, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.
- ☒ Applicant received an **International Search Report and Written Opinion** mailed **March 8, 2005** in related **PCT** application **PCT/US2004/010260**. A copy of these reports are enclosed for the Office's convenience.
- ☐ The present information disclosure statement is being filed thirty (30) days or fewer from a communication from a foreign patent office and Applicant submits the following statement under 37 C.F.R. § 1.704(d): each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty (30) days prior to the filing of the information disclosure statement.

III. Publishing Dates of References

- ☐ Applicant(s) do not know the precise publication date(s) of these following reference(s): _____ . However, Applicant(s) request that the Examiner consider this/these reference(s) in examining the present patent application. If the Examiner feels that one or more of the reference(s) bear against the patentability of the claim(s), Applicant(s) will then attempt to resolve the prior art status and applicability of the reference(s).

IV. Non-English References

- ☐ In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a communication from a foreign patent office in a counterpart application citing such documents, together with an English-language version (if not already included) of that portion of the communication indicating the degree of relevance found by the foreign patent office.
- ☐ Submitted herewith is an English translation of the following foreign language patents, publications or information or of those portions of those patents, publications or information considered to be material: _____.
- ☐ No English translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.
- ☐ The following foreign language documents submitted are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith.
- ☐ Concise Explanation of Non-English Language Listed Information Items. (Attached)

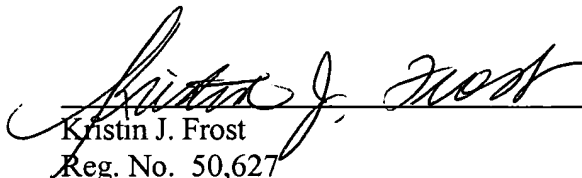
V. Fee

- ☒ It is believed that NO FEE is due with this Information Disclosure Statement.
- ☐ Petition fee due (§1.17(p)): \$180.00
- ☐ Attached is a check in the amount of \$180.00.
- ☐ Authorization is hereby made to charge the amount of \$_____ to Deposit Account No. 03-0172.
- ☒ Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 03-0172. A duplicate of this paper is attached.

Respectfully submitted,

Date: _____

Nov. 8, 2005

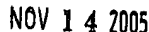


Kristin J. Frost

Reg. No. 50,627

Telephone: 216/622-8895

Customer No.: 24024



Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

(Use as many sheets as necessary)

Sheet	1	of	2
-------	---	----	---

Complete if Known

Application Number	10/815,305
Filing Date	April 1, 2004
First Named Inventor	Anthony Rettinger
Art Unit	1761
Examiner Name	Leslie A. Wong
Attorney Docket Number	26416.05042

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ *Number ⁴ *Kind Code ⁵ (if known)				
		EP 0 931 460	07-28-1999	Kraft Foods, Inc.		

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/815,305
Filing Date	April 1, 2004
First Named Inventor	Anthony Rettinger
Art Unit	1761
Examiner Name	Leslie A. Wong
Attorney Docket Number	26416.05042

Sheet

2

of

2

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		International Search report for PCT application no. PCT/US2004/010260.	
		Written Opinion for PCT application no. PCT/US2004/010260.	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.